

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD G. TURAY,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT
OF SOCIAL HEALTH SERVICES, et al.,

Defendants.

CASE NO. C10-5533RJB/JRC

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION
AND DIRECTING THE CLERK'S
OFFICE TO RETURN DOCUMENTS


This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4. The matter is before the court on plaintiff's motion for reconsideration of an order denying appointment of counsel (Dkt. # 9).

Local Rule 7(h)(1) addresses motions for reconsideration. The motions are disfavored and will ordinarily be denied absent a showing of manifest error or the presentation of new facts "which could not have been brought to the court's attention earlier with reasonable diligence." Plaintiff does not meet either criteria and the motion for reconsideration is DENIED.

1 Plaintiff sent the court a book titled Understanding and Treating Glaucoma. The back of
2 the book contains a note allegedly from a Dr. Johnstone and a business card. There is no motion
3 attached to the book and no motion pending to which this document clearly applies. This is not
4 the manner in which the court can consider evidence. The sending of material without any
5 indication it has been served on opposing parties and without a context such as a motion deprives
6 the other side of the ability to object or respond and prevents the court from properly considering
7 if the evidence is admissible.
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9 The Clerk's Office is directed to return the book and all notes on it to Mr. Turay and send
10 plaintiff a copy of this order.

11 DATED this 17th day of September, 2010.
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14 J. Richard Creatura
15 United States Magistrate Judge
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